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Columbus's Inheritance. A New Edition of the (Misnamed) Pleitos Colombinos

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José Luis Egío

Columbus's Inheritance. A New Edition of the (Misnamed) Pleitos Colombinos*

The four tomes included in *La herencia de Cristóbal Colón. Estudio y colección documental de los mal llamados pleitos colombinos (1492–1541)* are a scholarly contribution intended to settle the decades-long debate around the lawsuits that were (erroneously) designated in the historiography as the *pleitos colombinos* (Columbian lawsuits). The archival discoveries made by Consuelo Varela, Bibiano Torres, Antonio López Gutiérrez, Isabel Velázquez Soriano and Anunciada Colón de Carvajal (researcher and descendant, as it turns out, of Christopher Columbus) have led to a substantial revision of some preliminary and tentative arguments outlined earlier in partial editions of these documents. That is, the claim put forward by professors José Manuel Pérez-Prendes and Anunciada Colón de Carvajal in the voluminous introductory study contained in the first volume of the four-volume set, which, including the documentary collection, comprises more than 3,500 pages.

Although copious, the introductory study only intimates the beginning of the interpretative work that this new documentary edition can inspire. In this sense, it is important to take into account that the clarification of the rights that were finally accorded to Columbus and his heirs, the true legal nature of their negotiations with the Crown, and the processes that pitted them against each other, represent a touchstone for many other issues linked to institutional development in the early decades of the Spanish domination of America. The potential of some of the documents, collected by Colón de Carvajal and her collaborators for the first time, likely portends a wave of publications on related historical-juridical issues and on the dynamics of settlement and colonization in the Spanish Indies and Darién (Panamá) in the first decades of the sixteenth century.

Following the introductory studies and the carefully designed indexes that make up the first volume, the editors offer a first documentary collection. It should be noted that, instead of following a strict chronological criterion, the archival documents are classified to take both typology and source of production into account. Volume II includes what the publishers call the »derecho privilegiado personal colombino«, which Columbus himself grouped in his »Libro de los Privilegios«, that is to say, the Capitulations of Santa Fe and an ample series of provisions and cedulas from the Catholic monarchs to encourage Columbus's expeditions to the Indies and to guarantee him a certain jurisdiction and a share of the benefits. In this volume, Colón de Carvajal makes a fitting distinction between constitutive and executive documents, the latter of which served to determine the functions and characteristics of the jurisdiction and offices granted to Christopher Columbus. The declarations and petitions presented to the Catholic monarchs by the Genoese navigator until 1506, and the litigation undertaken from 1508 onward by his son Diego (until his death in 1526), who was heir to the rights and privileges of his father, constitute the main contents of volume II.

Volume III contains documents relating to Maria de Toledo's continuation of the proceedings, which she began in 1526 to assure that the privileges initially granted to Christopher Columbus would be accorded to her son Luis and his descendants. Finally, volume IV offers a series of corresponding or incidental litigation, not always resolved or successful, concerning such issues as the aspirations of Columbus to receive rights and jurisdiction in the Darién province (the subject of a series of pieces written between 1512 and 1519) as compensation for the discoveries he made in Tierra

* Anunciada Colón de Carvajal (dir.), La herencia de Cristóbal Colón. Estudio y colección documental de los mal llamados pleitos colombinos (1492–1541), Madrid: CSIC Fundación MAPFRE 2015, 3609 p., ISBN 978-84-00-10015-5

Firme, or the claim of his descendants to receive a tenth of the income derived from the Almojarifazgo tax (the object of a series of *probanzas* presented by solicitors between 1527 and 1529 in the name of Columbus's descendants). Two useful indexes (onomastic and toponymic), essential in a work as vast as this, serve as the finishing touch to an edited work marked by thoughtfulness towards the reader and the desire to facilitate the research of a new generation of historians.

As is well-known, in the nineteenth century Cesáreo Fernández Duro had already published valuable documentary compilations (constituting the first phase of these »pleitos colombinos« in the *Colección de documentos inéditos relativos a […] las antiguas posesiones españolas en Ultramar*, 2ª Serie, Tomos VII y VIII) drawn from the litigation and negotiations from 1492 until the mid-1530s between the *Colón* and the Spanish Crown. Further editions were issued between the 1960s and 1980s on the initiative of Muro Orejón, Pérez-Embid and Morales Padrón in the EEHS of Seville, who were responsible for the most complete edition of the *pleitos colombinos*, continued later by Bibiano Torres and their disciples. In this context, what have the authors of this new edition contributed to one of the classic themes of the history of early modern Ibero-American law, which many scholars considered as a settled area of historiography?

First, the editorial choices Colón de Carvajal has made in structuring this new edition of sources proves essential for providing the reader with a guiding light to help explore the great sea of procedural actions and documentary pieces produced by the various conflicting parties. The improved ordering of materials according to legally logical criteria continues what, to a large extent, Antonio Muro Orejón had already undertaken in his previous edition of the lawsuits. The famous researcher of *derecho indiano* had already warned in 1967 »that the chronological order adopted in the previous partial publication of the lawsuits, made by the Academia de la Historia, completely obscures the connections within the processes and makes it impossible to appreciate the harmonious unity of the various legal elements« (*Pleitos colombinos*, Vol. I, p. XXV; tr. by José Luis Egío). On this account, the team of researchers led by Colón de Carvajal (a direct heir of Muro Orejón, considering her continued affiliation with researchers like Bibiano Torres, who serve as a bridge between the old and new generation of scholars of the misnamed »pleitos«, achieves one of the long-range goals of the project developed at *Escuela de Estudios Hispanoamericanos* in Seville.

The second great contribution of the work is to extend the chronological scope of the documents under consideration. Until now, following the documentary edition of Muro Orejón and his collaborators, the so-called »pleitos colombinos«, were usually concluded with the ruling given in Dueñas (1534), the appeals both parties made to it, and a first arbitral award proposed to the parties by Cardinal Garcia de Loaysa. The present documentary collection presents new documents relating to the period of 1536–1541 and shows that a second arbitral award was formulated and ratified by both parties in this period (the Virreina María de Toledo, widow of Diego Colón, on the one hand, and, on the other, the Doctor Gaspar de Montoya, representative of the Crown). It set out definitively under what conditions the heirs of Columbus could exercise admiralty rights (*Almirantazgo*) over the Indies, determining the limits of their jurisdiction and various related tariff issues.

This archival discovery is incredibly valuable because it shows that Maria de Toledo, without advisors to rely on after the death of Hernando Colón in 1539, under pressure and distressed by the prolongation of a costly litigation for more than forty years, ended up capitulating. The documents published by Carvajal and his collaborators make clear that Diego Colón's widow eventually renounced the »privileges« agreed upon in Santa Fe. In effect, she settled for an assurance that her descendants could use the title of »Perpetual Admirals of the Indies« and exercise jurisdiction and charge fees in various ports of the Caribbean and Tierra Firme. One of the convoluted clauses contained in the third chapter of this final arbitration almost completely undermines these rights, predicating for the collection of tariffs and judicial rights in these ports that the admiral must »reside in them personally« (Vol. III, 2024).

The publication of such a monumental documentary collection, taking into account a new range of archives, highlights the fact that the documentary pieces found earlier in the General Archive of the Indies of Seville (explored by Muro Orejón and others) came nowhere close to exhausting the range of sources relevant to the study of the so-called »pleitos colombinos«. The Archive of the Casa de Alba is perhaps the most outstanding, but the list of collections consulted by Colón de Car-

vajal and her team also includes the *Archivo Histórico Nacional*, the *Archivo General of Simancas*, the *Archivo de Protocolos de Sevilla*, as well as the *Biblioteca Nacional* and the library of El Escorial. Nearly two hundred unpublished documents have emerged from these sources, among which are two memorials written by the first admiral shortly before his death (found in Simancas), a memorial in Latin written by Diego Colón and his collaborators to convey his petitions to the Crown (found in the BNE and integrated in volume II with the title *Magnus Memorialis Colombinus. Pars altera: Codex Matritensis*) and a summary of previous litigation, crafted by royal officials to assist the judges who participated in the last phase of the litigation (found in El Escorial).

The third major contribution (and the one most acknowledged in the media) of the new documentary compilation is essentially theoretical and has to do with the very legal nature of the long judicial conflict between the Columbus family and the Crown. From the documentary findings mentioned above, Pérez-Prendes dismantles the very notion of »pleitos colombinos« and argues that there were neither multiple lawsuits, nor were they even, properly speaking, lawsuits. He prefers instead to speak of a »contradictory judgment« motivated by the request of Columbus and his heirs that the »rewards« or »subjective rights« promised by the Crown in the negotiations that preceded their discoveries be respected. This personal assessment has already given much food for thought and will continue to do so in the future. It motivates the researcher, in a way, to question the limits and criteria of historiographical categories, which often depend on the very concepts contrived in order to grasp the reality of the process or phenomenon. Future historians will have to decide whether or not to classify the »pleitos colombinos« in the category of »contradictory judgments«.

The question of whether this will be the final edition of the lawsuits, or if we should expect new collections, remains open. As Bibiano Torres noted at a colloquium held in 2006 (XVII *Coloquio de Historia Canario-Americana*), the descendants of Columbus continued to litigate for what they considered their rights intermittently and through various channels until the end of the eighteenth century in a tortuous and convoluted process, which saw interventions by such reputed figures as Jovellanos. The publication of these early sixteenth-century materials relating to this long and interesting »contradictory judgment« according to criteria of relevance and scientific interest, together with Colón's reputation, is an invitation to researchers and the non-specialist public alike.

■

Pilar Mejía

Multinormatividad cotidiana*

Resulta especialmente pertinente reseñar esta compilación de artículos para el presente número de esta revista, cuyo *Fokus* está dedicado a los aportes de la historia del derecho desde una mirada *multinormativa.* En efecto, el libro que estamos reseñando, en tanto compilación de investigaciones sobre las formas de administración de justicia durante la temprana edad moderna en España y América, muestra en su conjunto la pertinencia de una historia del derecho que evidencie la coexistencia de diferentes tipos de normas jurídicas con códigos morales, reglas sociales y costumbres, así

* Elisa Caselli (coord.), Justicias, agentes y jurisdicciones: de la Monarquía Hispánica a los Estados Nacionales (España y América, siglos XVI–XIX), Madrid: Fondo de Cultura Económica de España 2016, 462 p., ISBN 978-84-375-0728-6